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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,422	01/20/2004	Yuan-Ying Hsu	3313-1096P	8090

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EXAMINER	
TAYLOR, BARRY W	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/759,422	HSU ET AL.	
	Examiner	Art Unit	
	Barry W. Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 20 January 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 15 recites the limitation "the IC" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Parl et al (5,883,598 hereinafter Parl).

Regarding claim 1. Parl teaches an identity recognition and location system for determining the identity and position of a person in three-dimensional space (title, abstract), comprising:

an id unit (see portable unit 20 figure 1 worn on the wrist to determine location of person wearing the portable unit), which stores an ID code (see col. 1 line 55 – col. 2 line 14, col. 3 lines 10-17, see portable id unit in column 5);

at least three ID processing units (see at least items 12b, 12c and 12e or 12f in figure 1), which receives the id code and after receiving the ID code, compute the distances from the ID unit to the ID processing units (Title, abstract, figure 1, col. 1 line

55 – col. 2 line 67, col. 3 lines 1-17, col. 3 line 62 – col. 4 line 10, col. 5 lines 9-33), respectively; and

a server (see 22 figure 1), which computes the coordinate of the ID unit in the three-dimensional space according to the distances from the ID unit to the ID processing units (Title, abstract, figure 1, col. 1 line 55 – col. 2 line 14, col. 3 lines 1-17, col. 3 line 62 – col. 4 line 10).

Regarding claim 2. Parl discloses that wearable id unit (20 figure 1) transmits location signal to nearby processing units (items 12a – 12i in figure 1) along with encoded identification information (col. 3 lines 10-17).

Regarding claim 3. Parl teaches the ID processing units (items 12a – 12i figure 1) receive the location signal and encoded identification signal from wearable id unit (20 figure 1) to form a "locating signal" (see first line in column 2) before sending it to server (22 figure 1) enabling the position of wrist watch to be determined in 3-D.

Regarding claims 4-5. Parl teaches using Time Difference Of Arrival (col. 13 line 64, col. 14 line 31, col. 15 line 13) to determine location of wristwatch.

Regarding claim 12. Method claim 12 is rejected for the same reasons as apparatus claims 1 , 4 and 5 since the recited elements would perform the claimed method step.

Regarding claim 15. Parl discloses that wearable id unit (20 figure 1) transmits location signal to nearby processing units (items 12a – 12i in figure 1) along with encoded identification information (col. 3 lines 10-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Parl et al (5,883,598 hereinafter Parl) in view of Kim et al (2003/0117320 hereinafter Kim).

Regarding claims 6 and 14. Parl does not explicitly show multiplying velocity by time to arrive at distance.

Kim also teaches an apparatus and method for tracking location of mobile station (title, abstract) by using delay time of radio waves multiplied by velocity to obtain a

distance R to a mobile station thereby yielding the precise location of the mobile (see all especially paragraphs 0032 and 0036).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Kim into the teachings of Parl in order to provide a more accurate position location system.

4. Claims 7-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parl et al (5,883,598 hereinafter Parl) in view of Hollenberg (6,091,956).

Regarding claims 7 and 16. Parl fails to teach customer and service representatives using id units.

Hollenberg also teaches id units (see items 18a, 18b and 18c in figure 1) used to display location information on a display. For example, Hollenberg figure 11 shows position and velocity of all pertinent users (6r and 6t in figure 11) in common service can be displayed on each others mobile unit (see all especially figure 11, col. 9, lines 40-43, col. 10 lines 1-4, col. 10 lines 37-39, col. 12 lines 36-40, col. 18 line 61 – col. 19 line 13, col. 21 line 29 – col. 23 line 8) thereby providing uses with coherent and real-time information (col. 19 line 4).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Hollenberg into the teachings of Parl in order to not only allow shoppers the ability to find their way around but to allow merchants the ability to provide real-time advertisements to nearby users which would only increase customer traffic into their store or mall.

Regarding claim 8. Hollenberg figure 11 shows position and velocity of all pertinent users (6r and 6t in figure 11) in common service can be displayed on each others mobile unit (see all especially figure 11, col. 9, lines 40-43, col. 10 lines 1-4, col. 10 lines 37-39, col. 12 lines 36-40, col. 18 line 61 – col. 19 line 13, col. 21 line 29 – col. 23 line 8) thereby providing uses with coherent and real-time information (col. 19 line 4).

Regarding claims 9-10. Hollenberg figure 11 shows position and velocity of all pertinent users (6r and 6t in figure 11) in common service can be displayed on each others mobile unit (see all especially figure 11, col. 9, lines 40-43, col. 10 lines 1-4, col. 10 lines 37-39, col. 12 lines 36-40, col. 18 line 61 – col. 19 line 13, col. 21 line 29 – col. 23 line 8).

Regarding claim 11. Parl does not teach customer and service representative.

Hollenberg also teaches id units (see items 18a, 18b and 18c in figure 1) used to display location information on a display. For example, Hollenberg figure 11 shows position and velocity of all pertinent users (6r and 6t in figure 11) in common service can be displayed on each others mobile unit (see all especially figure 11, col. 9, lines 40-43, col. 10 lines 1-4, col. 10 lines 37-39, col. 12 lines 36-40, col. 18 line 61 – col. 19 line 13, col. 21 line 29 – col. 23 line 8) thereby providing uses with coherent and real-time information (col. 19 line 4).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Hollenberg into the teachings of Parl in order to not only allow shoppers the ability to find their way around but to allow merchants the ability

to provide real-time advertisements to nearby users which would only increase customer traffic into their store or mall.

Regarding claim 13. Parl does not explicitly show distance is transmitted to server in a wireless method.

Hollenberg also teaches id units (see items 18a, 18b and 18c in figure 1) used to display location information on a display. For example, Hollenberg figure 11 shows position and velocity of all pertinent users (6r and 6t in figure 11) in common service can be displayed on each others mobile unit (see all especially figure 11, col. 9, lines 40-43, col. 10 lines 1-4, col. 10 lines 37-39, col. 12 lines 36-40, col. 18 line 61 – col. 19 line 13, col. 21 line 29 – col. 23 line 8) thereby providing uses with coherent and real-time information (col. 19 line 4). Furthermore, Hollenberg discloses that by using wireless technology allows service provider the ability to provide information to subscribers very fast (col. 8 lines 34-60).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Hollenberg into the teachings of Parl in order to not only allow service providers the ability to provide information to subscribers very fast so subscribers can quickly determine where they are at by using real-time map information.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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